

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARK WARREN PEARY,

Plaintiff,

v.

DC COMICS, INC.; DC COMICS; DC
ENTERTAINMENT, INC.; WARNER
BROS. DISCOVERY, INC.; and DOES 1-10,

Defendants.

Case No. 1:25-cv-00910-JMF

**JOINT STIPULATION AND [PROPOSED] ORDER REGARDING PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

Following the Court's ruling at the March 7, 2025 telephonic conference in the above-entitled case, Plaintiff Mark Warren Peary ("Peary") and Defendants DC Comics Inc.; DC Comics; DC Entertainment; and Warner Bros. Discovery, Inc. (collectively, "DC," and together with Peary, the "Parties") met and conferred and now submit this joint stipulation and proposed order concerning Peary's Motion for a Preliminary Injunction:

WHEREAS, on February 28, 2025, Peary filed a Motion for a Preliminary Injunction ("Preliminary Injunction Motion");

WHEREAS, on March 5, 2025, DC filed a Motion to Dismiss Plaintiff's Complaint for Lack of Subject Matter Jurisdiction, or, in the Alternative, to Transfer Venue ("Motion to Dismiss");

WHEREAS, on March 7, 2025, the Court held a telephonic conference to discuss the schedule for these motions;

WHEREAS, at the March 7, 2025 conference, DC asked the Court to extend the filing deadline for its opposition to Peary's Preliminary Injunction Motion from March 21, 2025 to April 7, 2025 and agreed that DC will not count this extra time in advancing arguments about undue delay or prejudice to DC; and

WHEREAS, at the March 7, 2025 conference, and as reflected in the Court's March 7, 2025 Order, the Court set briefing schedules on the Motion to Dismiss and the Preliminary Injunction Motion and directed the Parties to prepare and file a stipulation memorializing DC's agreement not to assert the extra time caused by the extension it requested in opposing the Preliminary Injunction Motion.

IT IS HEREBY STIPULATED, by and between the Parties, through their respective counsel of record, that:

1. In opposing the Preliminary Injunction Motion, DC will not count the extra time as a result of its request for an extension of its opposition deadline from March 21 to April 7 in advancing arguments about undue delay or prejudice to DC.

Dated: March 10, 2025

O'MELVENY & MYERS LLP

By: /s/ Daniel M. Petrocelli
Daniel M. Petrocelli

Daniel M. Petrocelli (admitted *pro hac vice*)
Matt Kline (admitted *pro hac vice*)
Cassandra L. Seto (admitted *pro hac vice*)
1999 Avenue of the Stars, 8th Floor
Los Angeles, CA 90067
Office: (310) 553-6700
Fax: (310) 246-6779
dpetrocelli@omm.com
mkline@omm.com
cseto@omm.com

Natasha W. Teleanu
Danielle Feuer
1301 Avenue of the Americas, Suite 1700
New York, NY 10019-6022
Office: (212) 326-2000
Fax: (212) 326-2061
nteleanu@omm.com
dfeuer@omm.com

Counsel for Defendants

Dated: March 10, 2025

TOBEROFF & ASSOCIATES, P.C.

By: /s/ Marc Toberoff
 Marc Toberoff

Marc Toberoff
mtoberoff@toberoffandassociates.com
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

Counsel for Plaintiff

IT IS SO ORDERED:

Hon. Jesse M. Furman
United States District Judge

DATE: _____